

**CITY OF BOULDER  
COUNCIL PROCEEDINGS  
November 10, 2008**

1. **CALL TO ORDER AND ROLL CALL:**

Mayor McGrath called the special November 10, 2008 meeting of the Boulder City Council to order at 6:00 p.m. in the Council Chambers.

Present were: Mayor McGrath, Deputy Mayor Gray, and Council Members, Ageton, Appelbaum, Cowles, Espinoza, Morzel, Osborne, and Wilson.

2. **PUBLIC PARTICIPATION and COUNCIL/STAFF RESPONSE: - 6:05 p.m.**

1. Seth Brigham read a poem entitled "Images of the Cherokee," which he wrote several years ago.
2. Jann Scott with Boulder Channel 1 Internet and Free Speech, spoke about programming and addressed the perception that he was profiting from this venture.
3. Elizabeth Allen spoke in opposition to the redevelopment of the Golden Buff site review at Canyon and 28<sup>th</sup> Street.
4. Rob Smoke provided an update on his petition drive regarding banning of motorized vehicles at the Boulder Reservoir and that requested council direct staff to evaluate public health and safety implications.
5. Aicila Lewis representing LGBTIQ and the Rocky Mountain Peace and Justice Center spoke to the recent bias/hate motivated incidents in Boulder.
6. Audrey Fishman Franklin with Boulder Community United also spoke to concerns related to recent acts of violence in Boulder.
7. Debra Ordway spoke regarding the naked pumpkin run and raised concern about the police reaction to the race, labeling participants as sex offenders instead of ticketing them for indecent exposure.
8. David Allen spoke of technology resources in Boulder and urged placement of a router between CU and the city.
9. Detre Godinez, Director of the Bias Hotline supplied data for the week of October 27 siting numerous incidents that were not reported to police. She noted the climate on Campus was very bad prior to the election and spoke to the importance of community leadership.

**City Manager Response:**

1. Regarding Boulder Reservoir Ms. Brautigam noted that the Reservoir Master Plan is just beginning and that nothing had been taken off the list for consideration.
2. Regarding the naked pumpkin run she clarified that she and the police chief had given careful consideration to this issue and the runners had been warned about the potential consequences prior to the race. The reason action was taken this year stemmed from the concern that this event has continued to increase in size over the years and was potentially headed toward another Mall Crawl magnitude.

**Council Response:**

1. Council Member Osborne spoke to the naked pumpkin run and asked about the level of charges. City Attorney Gordon responded that the charges were consistent with state law and would be handled through District Court.
2. Council Member Espinoza thanked the speakers who came to discuss bias motivated hate crimes and expressed her commitment to engaging in leadership around the issue.
3. **CONSENT AGENDA: - 6:50 p.m.**
  - A. **APPROVAL OF CITY COUNCIL MEETING MINUTES FROM OCTOBER 7, 2008.**
  - B. **CONSIDERATION OF A MOTION TO ACCEPT THE SEPT. 23, 2008 STUDY SESSION SUMMARY REGARDING THE SOURCE WATER MASTER PLAN.**
  - C. **CONSIDERATION OF A MOTION TO ACCEPT THE OCT. 14, 2008 STUDY SESSION SUMMARY REGARDING THE DEVELOPMENT-RELATED FEE STUDIES.**
  - D. **CONSIDERATION OF A MOTION TO RENEW EMPLOYMENT AGREEMENT OF BOULDER MUNICIPAL COURT ASSOCIATE JUDGE JEFFREY CAHN, AWARD 2.5% SALARY INCREASE TO JUDGE CAHN, AND PROVIDE NOTIFICATION OF RENEWAL AND APPOINTMENT OF TEMPORARY JUDGES.**
  - E. **CONSIDERATION AND ACTION ON PROPOSED 2008-2009 CITY OF BOULDER WORK PLAN.**
  - F. **SECOND READING AND CONSIDERATION OF EMERGENCY ORDINANCE NO. 7624 ADOPTING SUPPLEMENT NO. 98, WHICH CODIFIES PREVIOUSLY ADOPTED ORDINANCE NOS. 7595, 7596 AND 7606, AND OTHER MISCELLANEOUS CORRECTIONS AND AMENDMENTS TO THE BOULDER REVISED CODE, 1981.**
  - G. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE AMENDING THE WETLANDS MAP OF THE CITY OF BOULDER ADOPTED PURSUANT TO SUBSECTION 9-3-9(c)(4), "WETLAND BOUNDARY DETERMINATION," B.R.C. 1981 BY REMOVING A PORTION OF THE WETLANDS ALONG TWOMILE CANYON CREEK ON THE PROPERTIES LOCATED AT 706 AND 714 KALMIA AVENUE; 745 AND 755 JONQUIL PLACE; AND 777, 780, 801, 824, 870 AND 900 JUNIPER AVENUE AND SETTING FORTH RELATED DETAILS.**
  - H. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BOULDER AND THE CITY OF DENVER THROUGH ITS BOARD OF WATER COMMISSIONERS REGARDING RECREATIONAL USE OF A PORTION OF THE SOUTH BOULDER DIVERSION CANAL AND CONSIDERATION OF A MOTION APPROVING A LICENSE AGREEMENT TO IMPLEMENT THE INTERGOVERNMENTAL AGREEMENT REFERENCED ABOVE.**

- I. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE GRANTING THE CONTINUATION OF THE DOWNTOWN BOULDER BUSINESS IMPROVEMENT DISTRICT FROM JANUARY 1, 2010 TO DECEMBER 31, 2029 WITH SUBSEQUENT RENEWALS TO OCCUR FOR TWENTY YEARS EACH FOLLOWING THE FILING OF FUTURE PETITIONS AS PROVIDED BY CITY ORDINANCE.**

Deputy Mayor Gray moved, seconded by Appelbaum to approve consent items 3A through 3I. The motion carried 9:0.

First Reading questions:

Item 3H-8 (Intergovernmental Agreement): Council Member Ageton spoke to the lease agreement (page 3H – 8)

- 1) There was a reference to the Denver Water Board granting the city the exclusive recreational right and privilege to use this area in section 1.1 of Article I. How does that relate to section 2.7 Article II (page 10) which made reference to the use being subject to all licenses, leases and rights-of-way previously granted to other parties. Are there any licenses, leases, or rights-of-way that could conflict with uses of interest by the city?
- 2) Article 4 (page 12) – section 4.1 referenced the city taking the property as is – are there any state or federal laws that would have any implication on the city's intended use of the property?

4. **CALL- UP CHECK IN:** - There were no call-ups on this agenda

## ORDER OF BUSINESS

5. **PUBLIC HEARINGS:** - 6:38 p.m.

There was one public hearing for items 5A-5E.

- A. **CONSIDERATION OF THE FOLLOWING ITEMS RELATING TO THE 2009 BUDGET: 6:38 P.M.**

1. **PUBLIC HEARING ON THE PROPOSED 2009 CITY OF BOULDER BUDGET; AND**
2. **SECOND READING AND CONSIDERATION OF ORDINANCE NO. 7626 THAT ADOPTS A BUDGET FOR THE CITY OF BOULDER, COLORADO, FOR THE FISCAL YEAR COMMENCING ON THE FIRST DAY OF JANUARY 2009 AND ENDING ON THE LAST DAY OF DECEMBER 2009, AND SETTING FORTH DETAILS IN RELATION THERETO; AND**
3. **SECOND READING AND CONSIDERATION OF ORDINANCE NO. 7627 THAT ESTABLISHES THE 2008 CITY OF BOULDER PROPERTY TAX MILL LEVIES**

**WHICH ARE TO BE COLLECTED BY THE COUNTY OF BOULDER, STATE OF COLORADO, WITHIN THE CITY OF BOULDER IN 2009 FOR PAYMENT OF EXPENDITURES BY THE CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, AND SETTING FORTH DETAILS IN RELATION THERETO; AND**

- 4. SECOND READING AND CONSIDERATION OF ORDINANCE NO. 7628 THAT APPROPRIATES MONEY TO DEFRAY EXPENSES AND LIABILITIES OF THE CITY OF BOULDER, COLORADO, FOR THE 2009 FISCAL YEAR OF THE CITY OF BOULDER, COMMENCING ON THE FIRST DAY OF JANUARY 2009, AND ENDING ON THE LAST DAY OF DECEMBER 2009, AND SETTING FORTH DETAILS IN RELATION THERETO; AND**
- 5. SECOND READING AND CONSIDERATION OF ORDINANCE NO. 7629 THAT AMENDS CHAPTERS 3-8, 3-9, 3-11, AND 4-20, B.R.C. 1981, CHANGING CERTAIN FEES AND SETTING FORTH DETAILS IN RELATION THERETO; AND**

**CONSIDERATION OF A MOTION TO ADJOURN FROM THE BOULDER CITY COUNCIL AND CONVENE AS THE CENTRAL AREA GENERAL IMPROVEMENT DISTRICT (CAGID) BOARD OF DIRECTORS.**

City Manager Brautigam provided an introduction to the Budget. She indicated that since Ballot Issue 201 was approved, council was asked to approve an amended ordinance establishing the mill levy to reflect the new mill levy credit of 2.14.

Ms. Brautigam then clarified the option for funding the flower program would be not to hire 2 additional temporary season employees which would have been funded from the salary savings from the Parks and Recreation Director position.

Regarding Boulder Community Media- staff recommended issuing a RFP to determine if an entity would submit a proposal to run a Public Education channel without a subsidy. There was also the option of going "black."

The city manager then asked the council to re-convene the Budget sub-committee to provide input on the phased funding approach to the 2009 budget which would come back to council at its December 16 meeting. That sub-committee included Deputy Mayor Gray and Council Members Appelbaum and Morzel.

It was also clarified that there is ongoing funding of \$15,000 per year for studies or implementation of Neighborhood Parking Permit programs.

The public hearing was opened:

1. Seth Brigham spoke regarding Boulder Community Media (BCM) and raised concern that public access still didn't exist and until they provide public access it should not be funded.

2. Jann Scott expressed that Public Access T.V. is not like a public station but rather exists to provide access to free speech.
3. Arron Mansika with Boulder's Best Organics spoke to his success by support of the Chamber and the Economic Vitality program and urged continued support.
4. Gary Horton with Western Disposal spoke in favor of funding the Economic Vitality Program noting that it is investing in the future.
5. Lou Della Cava with Boulder Tomorrow also spoke in favor of the Boulder Economic Vitality Program indicating that funding is pitifully small in comparison to the General Fund.
6. Frances Draper applauded the city and its staff for receiving the Economic Rebate incentives Award. She also spoke in support of the Economic Vitality Program and noted that there are nine dollars earned for every dollar invested!
7. Tim Bour, Executive Director of the Boulder Incubator (a non-profit working with new companies to promote research and entrepreneurial individuals in establishing new businesses) also spoke to the benefits of the Economic Vitality Program.
8. Steve Moyski spoke in support of both the Boulder Innovation Center (BIC) and Boulder Economic Vitality efforts.
9. Catherine Hunziker with Boulder Herbal Remedies also spoke in favor of the Boulder Economic Vitality Program noting that she has seen a 40 percent per year increase.
10. Kelly Davis, the managing principal of Oz Architecture, noted that they were a recipient of Economic Vitality funding which allowed them to keep 100 jobs in Boulder. She expressed that the service level provided by Brad Power and Liz Hanson is even more important than the funding.
11. Dan Powers with the Boulder Chamber asked council to please support the Economic Vitality funding. He noted that it is especially important during this time of economic down turn.
12. Rob Smoke asked for further explanation of the methodology around the economic rebate.
13. Brett Parnes, Chair of Boulder Community Media (BCM) noted that he is available to answer any questions about a proposal he submitted. He spoke to the achievements of BCM in its first 15 months. He urged leaving Channel 22 broadcasting and while funding of \$15,000 would be helpful, it would not be necessary.
14. Sharon King with the Small Business Development Center (SBDC) spoke to its successful 15 year history in helping small business get on their feet. She urged continued support from the city of Boulder with a \$15,000 increase.
15. Alan O'Hashi, Executive Director of Boulder Community Media, provided an overview of BCM's 2008 accomplishments.
16. Craig Eicher, representing Xcel, Boulder Tomorrow and BEC, spoke in support of the Economic Vitality Program.

There being no further speakers the public hearing was closed.

### **Council Discussion and Action:**

Council Member Osborne clarified that economic vitality funds should remain whole and separate from Manager's contingency.

Deputy Mayor Gray spoke of the importance of council interactions with businesses.

There was direction from council to have the City Manager review the 1<sup>st</sup> quarter revenue report and make a recommendation.

There was direction from council for the council budget sub-committee to work with the City Manager and staff on a proposal for the 2009 phased funding approach.

Deputy Mayor Gray moved, seconded by Appelbaum, to adopt Ordinance Number 7626 adopting the 2008 budget, 7627 establishing the amended property tax mill levy, 7628 appropriating the 2009 budget, and 7629 changing certain fees; and to adjourn from council and convene as the Central Area General Improvement District Board of Directors.

Council Member Appelbaum moved, seconded by Ageton to direct staff to release a Request for Proposals (RFP) for a subsidy free education channel 22 vendor to include 1) no ongoing operational funding to BCM for 2009; and 2) extending the BCM contract through January 31, 2009 in order to provide time to complete the RFP process and to establish a new contractual relationship with BCM or a new vendor.

Council Member Cowles offered a friendly amendment to include the last sentence providing that the City Manager's contingency to be used to fund a pro-rated contract term (\$5,000 per month) for this period. This was not accepted as a friendly amendment.

Council Member Morzel moved, seconded by Cowles, to amend the amendment to include the last sentence in the third bullet of the staff recommendation on page 6 of the memo up to 3 months. The motion carried 5:4; Ageton, Appelbaum, Espinoza and Wilson opposed. (7:10 p.m.)

Vote was taken on the amended amendment to the main motion. The motion carried 9:0. (7:12 p.m.)

Council Member Espinoza moved, seconded by McGrath to remove Economic Vitality funds from the phased funding approach. The motion carried 9:0. (8:46 p.m.)

Vote was taken on the motion to adopt Ordinance No. 7626 adopting the 2008 budget, Ordinance No. 7627 establishing the amended property tax mill levy, Ordinance No. 7628 appropriating the 2009 budget, and Ordinance No. 7629 changing certain fees; and to adjourn from council and convene as the Central Area General Improvement District Board of Directors. The motion carried 9:0. (8:47 p.m.)

**B. CONSIDERATION OF THREE RESOLUTIONS PERTAINING TO THE 2009 BUDGET OF THE CITY OF BOULDER DOWNTOWN COMMERCIAL DISTRICT FUND (FORMERLY KNOWN AS THE CENTRAL AREA GENERAL IMPROVEMENT DISTRICT FUND).  
8:50 P.M.**

- 1. A RESOLUTION CONCERNING THE CITY OF BOULDER DOWNTOWN COMMERCIAL DISTRICT FUND (FORMERLY KNOWN AS THE CENTRAL AREA GENERAL IMPROVEMENT DISTRICT FUND), ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2009.**
- 2. A RESOLUTION ESTABLISHING THE 2008 CITY OF BOULDER CENTRAL AREA GENERAL IMPROVEMENT DISTRICT PROPERTY TAX MILL LEVY FOR PAYMENT OF EXPENDITURES, IN PART, OF THE DISTRICT DURING THE FISCAL YEAR 2009, AND SETTING FORTH DETAILS IN RELATION THERETO.**
- 3. A RESOLUTION APPROPRIATING MONEY TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF BOULDER DOWNTOWN COMMERCIAL DISTRICT FUND (FORMERLY KNOWN AS THE CENTRAL AREA GENERAL IMPROVEMENT DISTRICT FUND) FOR THE 2009 FISCAL YEAR AND SETTING FORTH DETAILS IN RELATION THERETO**

Board Member Gray moved, seconded by Osborne to adopt Resolution No. 226 concerning the City of Boulder Downtown Commercial District Fund (formerly known as the Central Area General Improvement District Fund), adopting a budget for the fiscal year beginning January 1, 2009;

Resolution No. 227 establishing the 2008 City of Boulder Central Area General Improvement District Property Tax Mill Levy for payment of expenditures, in part, of the District during the fiscal year 2009, and setting forth details in relation thereto; and

Resolution No. 228 appropriating money to defray the expenses and liabilities of the City of Boulder Downtown Commercial District Fund (formerly known as the Central Area General Improvement District Fund) for the 2009 fiscal year and setting forth details in relation thereto. The motion carried 9:0. (8:50 p.m.)

**CONSIDERATION OF A MOTION TO ADJOURN FROM THE CAGID BOARD OF DIRECTORS AND TO CONVENE AS THE UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT (UHGID) BOARD OF DIRECTORS.**

A motion to adjourn from the CAGID Board of Directors and to convene as the University Hill General Improvement District (UHGID) Board of Directors was approved by acclamation.

**C. CONSIDERATION OF THREE RESOLUTIONS PERTAINING TO THE 2009 BUDGET OF THE CITY OF BOULDER UNIVERSITY HILL COMMERCIAL DISTRICT FUND (FORMERLY KNOWN AS THE UNIVERSITY HILL GENERAL IMPROVEMENT**

DISTRICT FUND). 8:51 P.M.

1. A RESOLUTION CONCERNING THE CITY OF BOULDER UNIVERSITY HILL COMMERCIAL DISTRICT FUND (FORMERLY KNOWN AS THE UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT FUND), ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2009.
2. A RESOLUTION ESTABLISHING THE 2008 CITY OF BOULDER UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT PROPERTY TAX MILL LEVY FOR PAYMENT OF EXPENDITURES, IN PART, OF THE DISTRICT DURING THE FISCAL YEAR 2009, AND SETTING FORTH DETAILS IN RELATION THERETO.
3. A RESOLUTION APPROPRIATING MONEY TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF BOULDER UNIVERSITY HILL COMMERCIAL DISTRICT FUND (FORMERLY KNOWN AS THE UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT FUND) FOR THE 2009 FISCAL YEAR AND SETTING FORTH DETAILS IN RELATION THERETO.

Board Member Cowles moved, seconded by Morzel to adopt Resolution No. 167 concerning the City of Boulder University Hill Commercial District Fund (formerly known as the University Hill General Improvement District Fund), adopting a budget for the fiscal year beginning January 1, 2009;

Resolution No. 168 establishing the 2008 City of Boulder University Hill General Improvement District Property Tax Mill Levy for payment of expenditures, in part, of the District during the fiscal year 2009, and setting forth details in relation thereto; and

Resolution No. 169 appropriating money to defray the expenses and liabilities of the City of Boulder University Hill Commercial District Fund (formerly known as the University Hill General Improvement District Fund) for the 2009 fiscal year and setting forth details in relation thereto. The motion carried 9:0. (8:51 p.m.)

**CONSIDERATION OF A MOTION TO ADJOURN FROM THE UHGID BOARD OF DIRECTORS AND CONVENE AS THE BOULDER MUNICIPAL PROPERTY AUTHORITY BOARD OF DIRECTORS.**

A motion to adjourn from the University Hill General Improvement District Board of Directors (UHGD) and convene as the Boulder Municipal Property Authority Board of Directors (BMPA) was approved by acclamation.

**D. CONSIDERATION OF A RESOLUTION FORMALLY ADOPTING THE 2009 BUDGET FOR THE BOULDER MUNICIPAL PROPERTY AUTHORITY; AND 8:53 P.M.**

Board Member Gray moved, seconded by Espinoza to adopt Resolution No. 129 formally adopting the 2009 budget for the Boulder Municipal Property Authority. The motion carried 9:0. (8:53 p.m.)



**CONSIDERATION OF A MOTION TO ADJOURN FROM THE BOULDER MUNICIPAL PROPERTY AUTHORITY BOARD OF DIRECTORS AND CONVENE AS THE FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT BOARD OF DIRECTORS.**

A motion to adjourn from the Boulder Municipal Property Authority Board of Directors (BMPA) and convene as the Forest Glen Transit Pass General Improvement District Board of Directors was approved by acclamation.

**E. CONSIDERATION OF THREE RESOLUTIONS PERTAINING TO THE 2009 BUDGET OF THE CITY OF BOULDER FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT FUND. 8:54 P.M.**

- 1. A RESOLUTION CONCERNING THE CITY OF BOULDER FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT, ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2009.**
- 2. A RESOLUTION ESTABLISHING THE 2008 CITY OF BOULDER FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT PROPERTY TAX MILL LEVY FOR PAYMENT OF EXPENDITURES, IN PART, OF THE DISTRICT DURING THE FISCAL YEAR 2009, AND SETTING FORTH DETAILS IN RELATION THERETO.**
- 3. A RESOLUTION APPROPRIATING MONEY TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF BOULDER FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT FOR THE 2009 FISCAL YEAR AND SETTING FORTH DETAILS IN RELATION THERETO; AND**

Board Member Gray moved, seconded by McGrath to adopt Resolution No. 28 concerning the City of Boulder Forest Glen Transit Pass General Improvement District, adopting a budget for the fiscal year beginning January 1, 2009;

Resolution No. 29 establishing the 2008 City of Boulder Forest Glen Transit Pass General Improvement District Property Tax Mill Levy for payment of expenditures, in part, of the District during the fiscal year 2009, and setting forth details in relation thereto; and

Resolution No. 30 appropriating money to defray the expenses and liabilities of the city of Boulder Forest Glen Transit Pass General Improvement District for the 2009 fiscal year and setting forth details in relation thereto. The motion carried 9:0. (8:54 p.m.)

**CONSIDERATION OF A MOTION TO ADJOURN FROM THE CITY OF BOULDER FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT BOARD OF DIRECTORS, AND RECONVENE AS THE BOULDER CITY COUNCIL.**

A motion to adjourn from the city of Boulder Forest Glen Transit Pass General Improvement District Board of Directors and reconvene as the Boulder City Council was approved by acclamation.

**F. SECOND READING AND CONSIDERATION OF CHANGES TO TITLE 10, "STRUCTURES," B.R.C. 1981, FOR THE FOLLOWING PROPOSED ORDINANCES:  
8:57 P.M.**

- 1. ORDINANCE NO. 7620 AMENDING SECTION 10-7, "ENERGY CONSERVATION AND INSULATION CODE" BY ADDING AN ADDITIONAL ENERGY EFFICIENCY REQUIREMENT FOR COMMERCIAL BUILDINGS, AND SETTING FORTH RELATED DETAILS.**
- 2. ORDINANCE NO. 7621 AMENDING CHAPTER 10-7.5, GREEN BUILDING AND GREEN POINTS PROGRAM, "B.R.C. 1981 ADDING REQUIREMENTS RELATED TO ENERGY EFFICIENCY THRESHOLDS FOR REMODELS AND ADDITIONS, DEMOLITION, BOILERS AND WINDOWS; AND SETTING FORTH RELATED DETAILS.**
- 3. ORDINANCE NO. 7622 AMENDING CHAPTER 10-5, "BUILDING CODE," B.R. C. 1981 TO ADOPT MINOR CHANGES TO THE INTERNATIONAL BUILDING CODE RELATED TO THE EXPIRATION OF PERMITS AND SETTING FORTH RELATED DETAILS, AND**
- 4. ORDINANCE NO. 7623 AMENDING CHAPTER 10-6, "ELECTRICAL CODE, "B.R.C. 1981 ADOPTING BY REFERENCE THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE WITH MODIFICATIONS, AND SETTING FORTH RELATED DETAILS.**

Kirk Moors, Senior Plan Examiner/Assistant Building Official providing the presentation on this item.

The public hearing was opened:

1. Phillip Wickey, a local developer, expressed that it's not asking much for a big return.
2. Bill Roettker, Environmental Advisory Board member, voiced strong support for the proposed changes.

There being no further speakers the public hearing was closed.

Council Member Appelbaum moved, seconded by Morzel to adopt Ordinance No. 7620 amending Section 10-7, "Energy Conservation and Insulation Code" by Adding an Additional Energy Efficiency Requirement for Commercial buildings, and setting forth related details;

Ordinance No. 7621 amending chapter 10-7.5, Green building and Green Points Program, "B.R.C. 1981 Adding Requirements related to Energy Efficiency Thresholds for Remodels and Additions, Demolition, Boilers and Windows; and setting forth related details, as amended;

Ordinance No. 7622 amending Chapter 10-5, "Building Code," B.R. C. 1981 to Adopt Minor changes to the International Building Code Related to the Expiration of Permits and setting forth related details; and

Ordinance No. 7623 amending Chapter 10-6, "Electrical Code," B.R.C. 1981 Adopting by Reference the 2008 edition of the National Electrical Code with modifications, and setting forth related details. The motion carried 9:0. (9:33 p.m.)

**G. CONSIDERATION OF A MOTION ACCEPTING THE FOURMILE CANYON AND WONDERLAND CREEKS FLOOD MITIGATION PLAN AS DOCUMENTED IN THE PHASE A REPORT AND AS MODIFIED BY STAFF. 9:35 P.M.**

Bob Harberg, Utilities Planning and Project Management Coordinator provided the presentation regarding flood mitigation strategies for Fourmile Canyon and Wonderland Creek.

Council Member Morzel and City Attorney Gordon recused themselves from this item due to a potential conflict of interest.

The public hearing was opened:

1. Allen Goldstone expressed that the current plan strikes a balance.
2. Skip Miller noted that Wonderland Creek runs through his backyard. The creek is about 1 foot in width. He sees 8 inches of water once a year. He expressed opposition to this \$50,000,000 plan.
3. Melissa Graesser expressed concern that the flood plan for Crestview Elementary should be first priority but she does not want to have her backyard excavated.
4. Dale Stetina spoke in opposition to the plan as it's too expensive and not worth it. Education and evacuation planning is more important for flood proofing and he's willing to take the risk.
5. Oliver Bruce raised 2 concerns; 1) vagueness of the model – seems more art than science and; 2) riparian areas, threatened by channels. However, he supported the plan in general.
6. James Snow, a 39 year resident, commended staff for working with neighbors. He expressed concern about access to Waldorf and Crestview schools, development on Topaz, as well as keeping bikeways on the streets in Githens Acres.
7. John Buetow, 18 year resident on Wonderland Creek, requested a minimum of dredging the canals. He recognized that he is in a flood zone but wanted to see something done about the current canal condition and supported option A.
8. Amir Abu-Jaber expressed that safety needs to be the key focus.

There being no further speakers the public hearing was closed.

Council Member Appelbaum moved, seconded by McGrath to approve the Fourmile Canyon and Wonderland Creeks Floodplain Mitigation Plan.

**Council Discussion and Action:**

Council expressed concern about moving forward on such a complex and costly project. There was general support for taking more time in making this decision.

Prior to making its decision, council requested the following:

- A field trip to the affected properties
- A study session that would focus on the policy level; and
- That the Water Resources Advisory Board and staff review the overall spending for water utilities and provide that information for council

Council asked whether the a walk through of the nearby elementary schools, to make sure an adequate flood evacuation plan was in place, could be included and whether the city could take action to require adequate flood drill and education outreach city schools.

The motion was withdrawn.

Mayor McGrath moved, seconded by Wilson to continue this item until after a study session and possible field trip. The motion carried 8:0, Morzel absent.

Council Member Ageton moved, seconded by McGrath to suspend the rules and continue the meeting. The motion carried 8:0, Morzel absent.

6. **MATTERS FROM THE CITY MANAGER:**

A. **UPDATE ON INCIDENTS DURING WEEK OF OCTOBER 27, 2008. 11:02 P.M.**

City Manager Brautigam provided council with information relating to the recent incidents during the week of October 27, 2008.

7. **MATTERS FROM THE CITY ATTORNEY: - NONE**

8. **MATTERS FROM MAYOR AND MEMBERS OF COUNCIL:**

A. **POTENTIAL CALL-UPS: - NONE**

**OTHER MATTERS: - 11:20 p.m.**

Council Member Cowles gave an update on a recent meeting by the Metro Vision Committee, and sub set the Denver Regional Council of Governments (DRCOG), to discuss regional impacts of the Jefferson Parkway toll road. He indicated that he had sent a Hotline memo with a detailed report on the meeting. The process and criteria used by the DRCOG still needed to be determined, but he clarified that the Jefferson Parkway

would be exempt from that criteria and would potentially create an extremely negative impact on regional jurisdictions.

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Council appointed Council Member Espinoza and Deputy Mayor Gray (with Council member Osborne as a back-up) to the Council Retreat Committee by acclamation.

9. **PUBLIC COMMENT ON MATTERS: - NONE**

10. **FINAL DECISIONS ON MATTERS: - NONE**

11. **ADJOURNMENT:**

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 11:30 P.M.

APPROVED BY:

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Shaun McGrath,  
Mayor

ATTEST:

\_\_\_\_\_  
Alisa D. Lewis,  
City Clerk The